

# TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by Deborah Ross, AICP, Planning Supervisor

**SUBJECT:** Ordinance – Special Permit for Wild Animals

**AFFECTED DISTRICT:** Townwide

## **TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING CHAPTER 4 ENTITLED ANIMALS; PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; AMENDING SECTION 12-32, ENTITLED “TABLE OF PERMITTED USES”; PROVIDING FOR APPROPRIATE FOR ZONING CATEGORIES FOR KEEPING OF WILD ANIMALS; AMENDING SECTION 12-34(B) ENTITLED ANIMALS; PROVIDING FOR REGULATIONS FOR THE CARE AND MAINTENANCE OF WILD ANIMALS; AND AMENDING SECTION 12-503 DEFINITIONS PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

## **REPORT IN BRIEF:**

Pursuant to direction received at the June 4, 2003 Town Council meeting, staff has added language to Section 1 (c) of the proposed ordinance regarding an annual inspection of the property by the Town.

Due to previous direction of Town Council, staff prepared the proposed code change regarding the requirement of a special permit for wild animals. The definition of wild animals according to State Statutes and Broward County runs the gamut from the ordinary e.g., ferret, skunk, possum, fox, to lions, tigers, and non-human primates.

Currently there is no local governmental process which addresses wild animals besides the requirement for the appropriate state license. An amendment to the Town’s Land Development Code to address wild animals through a Special Permit would provide the Town with a mechanism to regulate any potential negative external impacts associated with said use.

Wild animals are proposed to be permitted on a minimum lot size of five acres for Class I carnivores in the AG, A-1 and the R-1 Districts, 2 1/12 acres for Class II carnivores and for non-carnivores and the remaining animals classified as wild on the minimum lot size of the parcel’s underlying zoning district.

The requirements of the Special Permit address the location of the animal's caging and fencing, requires a written disaster plan be filed with the Town in case of natural events and lastly includes requirements which address the care and handling of the animals.

**PREVIOUS ACTIONS:** June 4, 2003 Town Council Meeting

**CONCURRENCES:** Local Planning Agency recommended approval at its May 14, 2003 meeting (Motion carried 4-0, with Mr. Waitkus absent.)

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject text changes complete and suitable for transmittal to Town Council for further consideration.

**Attachment:** Ordinance, List of Class I, II and III Animals

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING CHAPTER 4 ENTITLED ANIMALS; PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; AMENDING SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE FOR ZONING CATEGORIES FOR KEEPING OF WILD ANIMALS; AMENDING SECTION 12-34(B) ENTITLED ANIMALS; PROVIDING FOR REGULATIONS FOR THE CARE AND MAINTENANCE OF WILD ANIMALS; AND AMENDING SECTION 12-503 DEFINITIONS PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to identify and permit the keeping of wild animals; and

WHEREAS, the Town of Davie desires to regulate and protect the adjacent population; and

WHEREAS, a written disaster plan must be prepared and registered with the Town in case of a natural disaster; and

WHEREAS, the Town of Davie Local Planning Authority held a public hearing on May 14, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statute on June 4, 2003 and on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

Chapter 4. Wild Animals shall be amended to read as follows:

Section 4.21. Defined.

The phrase "wild animals" is used as a term to indicate any non-human primate, raccoon, skunk, fox, ferret, poisonous snake, leopard, lion, tiger, lynx, wallaby, or any other animal so classified by the Florida Game and Fresh Water Fish Commission ~~animals and reptiles of a species not usually domesticated in the United States. Such phrase does not refer to the comparative docility or familiarity with man or any pet animal, nor does such phrase refer to pets incidentally found in and about homes such as dogs, cats, gerbils, rabbits, turtles, small nonpoisonous lizards and the like.~~

SECTION 1. Chapter 12-34(B)(18) of the Town Code shall read as follows:

(18) The Keeping of Wild Animals

- (a) It is the intent and purpose of this section to provide for the keeping of wild animals in a manner which will have the least possible adverse impact to the Town of Davie and its citizens. The owner of any wild animal shall exercise reasonable care to protect humans, other animals, or property from injury or damage caused by the behavior of such wild animal. Therefore, in addition to the provisions of this chapter, such activities shall meet all applicable requirements of state and federal agencies. No person shall own or harbor any wild animal without the appropriate state permits provided for in section 372.922, Florida Statutes, as amended from time to time.
- (b) Definition- The term *wild animal* shall mean any non-human primate, raccoon, skunk, fox, ferret, poisonous snake, leopard, lion, tiger, lynx, wallaby, or any other animal so classified by the Florida Game and Fresh Water Fish Commission. See attached list.
- (c) Special Permit Process: Any person keeping wild animals shall be the owner of the property upon which the animals are kept and shall be licensed by the State of Florida and must register with the Development Services Director or his designee. Such registration shall include the name, address and phone number of the keeper of the animal, a description of the breed, coloring and other identifying characteristics, age, and permit number issued by the state pursuant to F.S. 372.922, if applicable. If the location on the registration of where the animal is being kept is changed, the Development Services Director or his designee must be notified in writing within fourteen (14) days of the new location. An annual inspection of the property where animals are kept shall be completed by the Town.
- (d) The keeping of wild animals is permissible as a special use only permitted in the AG, A-1 and R-1 districts and shall require a Special Permit issued by the Town of Davie and subject to the rules and regulations of this section and Section 12-308, Review for special permits.
- (e) The keeping of wild animals designated as Class I according to the Florida Statutes is limited to a minimum parcel size of five (5) acres only in the AG, A-1 and R-1 districts. The keeping of wild animals designated as Class II according to the Florida Statutes is limited to a minimum parcel size of two and one-half (2 ½) acres only in the AG, A-1 and R-1 districts. The keeping of wild animals designated as Class III according to the Florida Statutes is limited to the minimum parcel size of the AG, A-1 and R-1 districts.
- (f) For Class I and II wild animals, as designated by the Florida Statutes, a minimum setback distance of 35 feet shall be provided between the caging and the property line unless the required building setback is greater than 35 feet in which case, the cage shall meet the requirements for building placements. This minimum setback shall not restrict meeting the setback of the underlying zoning district. The cage(s) shall be surrounded by a fence not less than 8 feet or a fence not less than 6 feet with a 2 foot, 45 degree, inward angle

overhang. The caging must conform to Section 68A-6.003 *Structural Caging Requirements for Class I, II, and III Wildlife* of the Captive Wildlife Regulations of the Florida Administrative Code.

(g) Owners or keepers of wild animals must register a written disaster plan for each such animal with the Development Services Director or his designee.

(h) The owner of a wild animal shall exercise reasonable care in the transportation off the premises by:

1. Confinement in a vehicle from which the animal cannot climb, jump or escape; or
2. Leash and physical control of a person capable of preventing such animal from escaping.

Section 12-32, Table of Permitted Uses, of the Town Code is amended to read as follows:

(A) RESIDENTIAL DISTRICTS  
GENERAL USE

	RR	AG	S	A-1	R-1	R- 2-5	RM- -5	RM- 8-16	RM- 1-10
<u>Wild Animals</u>	<u>N</u>	<u>*</u>	<u>N</u>	<u>*</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

P = Permitted by right in this district

N = Not permitted in this district

\* = Conditionally permitted subject to detailed use regulations (Section 12-34)

Article II. Wild Animals shall be amended to read as follows:

Section 4.21. Defined.

The phrase "wild animals" is used as a term to indicate any non-human primate, raccoon, skunk, fox, ferret, poisonous snake, leopard, lion, tiger, lynx, wallaby, or any other animal so classified by the Florida Game and Fresh Water Fish Commission ~~animals and reptiles of a species not usually domesticated in the United States. Such phrase does not refer to the comparative docility or familiarity with man or any pet animal, nor does such phrase refer to pets incidentally found in and about homes such as dogs, cats, gerbils, rabbits, turtles, small nonpoisonous lizards and the like.~~

Article XIV. Definitions is amended to read as follows:

Section 12-503. Definitions.

Wild animals. Any non-human primate, raccoon, skunk, fox, ferret, poisonous snake, leopard, lion, tiger, lynx, wallaby, or any other animal so classified by the Florida Game and Fresh Water Fish Commission

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

## **Class I**

Chimpanzee  
Gorillas  
Gibbons  
Drills and mandrills  
Orangutans  
Baboons  
Siamangs  
Gelada baboons  
Snow leopards  
Leopards  
Jaguars  
Tigers  
Lions  
Bears  
Rhinoceros  
Elephants  
Rhinoceros  
Hippopotamuses  
Cape buffalos  
Crocodiles (except dwarf and Congo (family Crocodilidae)  
Gavials  
Black caimans  
Komodo dragons

## **Class II**

Howler monkeys  
Uakaris  
Mangabeys  
Guenons  
Bearded sakis  
Guereza monkeys  
Celebes black apes  
Idris  
Macaques  
Langurs

Douc langurs  
Snub-nosed monkeys  
Proboscis monkeys  
Servals

**Class II (continued)**

European and Canadian lynx  
Cougars, panthers  
Bobcats  
Cheetahs  
Caracals  
African golden cats  
Temminck's golden cats  
Fishing cats  
Ocelots  
Clouded leopards  
Coyotes  
Gray wolves  
Red wolves  
Asiatic jackals  
Black-backed jackals  
Side-striped jackals  
Indian dholes  
African hunting dogs  
Wolverines  
Honey badgers  
American badgers  
Old World badgers  
Binturongs  
Hyenas  
Dwarf crocodiles  
Alligators, caimans (except American alligator) (family Alligatoridae)  
Ostrich  
Cassowary

**Class III**

All other wildlife not listed herein, except those for which a permit is not required pursuant to rule 39-6.0022, F.A.C., as amended.